

EXHIBIT B

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AT TACOMA

HP TUNERS, LLC, a Nevada limited)
liability company,)
Plaintiff,)
vs.) No. 3:17-cv-05760-BHS
KEVIN SYKES-BONNETT and SYKED ECU)
TUNING INCORPORATED, and JOHN)
MARTINSON,)
Defendants.)

VIDEOTAPED DEPOSITION OF KEVIN E. SYKES-BONNETT, VOLUME 1

September 25, 2018

Seattle, Washington

Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

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*Sykes-Bonnett, Kevin
September 25, 2018*

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1 Q (By Mr. Bleiman) Okay. So there are text messages
2 between you and Ken on your phone?

3 A **Recent.**

4 Q Whatever is on there is on there, correct?

5 A **Yes.**

6 Q Okay. I'm going to ask you not to delete them, and we've
7 asked for those, and we haven't gotten them yet, but make
8 sure you don't delete them.

9 What about the forum posts with your various
10 independent contractors. Why haven't those been
11 provided?

12 MR. KENDRICK: Objection. Assumes
13 facts not in evidence.

14 **THE WITNESS: I don't know.**

15 Q (By Mr. Bleiman) Have you searched for them?

16 A **No.**

17 Q We ask that you produce and search for all the
18 communications that you've had with these people, which
19 have been requested, since January.

20 How did you start any communication -- strike that.

21 When did communications between you and Ken start
22 regarding some ownership opportunity in Syked ECU Tuning
23 for him or his wife?

24 MR. KENDRICK: Objection. Compound.

25 **THE WITNESS: I don't remember.**

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1 proprietary cable for sale?

2 **A No.**

3 **Q** What is advertised on the site, ECU Tuning website?

4 **A Syked software, and Syked handheld, and Syked tunes.**

5 **Q** The Syked Eliminator Cable is not advertised on your
6 website?

7 **A No.**

8 **Q** You have a Facebook, correct?

9 **A Correct.**

10 **Q** And on your Facebook, you like to post, right?

11 **A Yes.**

12 **Q** And you post pictures and you post lots of different
13 things?

14 MR. KENDRICK: Objection. Compound.

15 **Q** (By Mr. Bleiman) You posted the Syked Eliminator Cable
16 as being available for sale on the Facebook page,
17 correct?

18 MR. KENDRICK: Objection. Assumes
19 facts not in evidence.

20 **THE WITNESS: Yes.**

21 **Q** (By Mr. Bleiman) So the Syked Eliminator Cable is being
22 sold by you on Facebook?

23 **A Yes.**

24 **Q** And who gets the money when you make a sale?

25 **A The company.**

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1 Q Okay. And it goes into the company bank account?

2 A Yes.

3 Q So how -- it doesn't go to Ken's bank account, does it?

4 A No.

5 Q So Syked ECU Tuning is selling these cables through
6 Facebook?

7 A Yes.

8 Q So how is it that you are stating here today that it's
9 Ken Cannata selling the cable? Explain that.

10 A No. I said that it's Ken's cable, not Syked ECU Tuning's
11 cable, and it's private labeled for us.

12 Q And you think that makes sense, what you're saying?

13 A I guess I'm not understanding what the initial question
14 was. We purchase the cables from Ken Cannata. It's a
15 private-labeled cable for us.

16 Q And you sell them as Syked ECU Tuning's Syked Eliminator
17 Cable?

18 A Hence the private label.

19 Q Correct. So why does Ken have a say in who you sell to?

20 A He doesn't.

21 Q Okay. So you could sell it to whoever you want?

22 A Yes.

23 Q So what's your objection to providing a cable to HP
24 Tuners for review and analysis?

25 MR. KENDRICK: Objection. Calls for

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1 speculation.

2 THE WITNESS: I'll give you guys a
3 cable.

4 Q (By Mr. Bleiman) Great.

5 MR. KENDRICK: We've already made that
6 available for pur -- or for inspection. Just let the
7 record reflect.

8 MR. BLEIMAN: Then please overnight it
9 to my office.

10 MR. KENDRICK: We'll make it available
11 for inspection. That's not -- we're not producing it.

12 MR. BLEIMAN: The cable is not the
13 software. It's never been made available for inspection.

14 MR. KENDRICK: No, but it says made
15 for proprietary information under the protective order,
16 which means it's AEO, so it's made available for pur --

17 MR. BLEIMAN: It's a cable that anyone
18 can buy through Facebook that he just testified about.
19 As long as you're prequalified and you calibrate Dodges,
20 correct?

21 THE WITNESS: Do you calibrate Dodges?

22 Q (By Mr. Bleiman) Anyone that does can -- can buy it,
23 correct?

24 A **Correct.**

25 Q So how is that proprietary to you?